

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1098 of 2018

Arising Out of PS.Case No. -4 Year- 2017 Thana -SC/ST District- ARRARIA

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Tej Narayan Yadav, Son of Late Khushilal Yadav, Resident of Village-
Bhawanipur, P.S. Fulkaha, District- Araria.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrigendra Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 29-06-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (hereinafter referred to as the “S.C./S.T. Act”) against the refusal of prayer for anticipatory bail vide order dated 13.02.2018 passed in A.B.P. No.120 of 2018, by the learned 1st Additional Sessions Judge-cum-Special Judge (POA) Act, Araria, in connection with Araria SC/ST P.S. Case No.04 of 2017, Special Case No.80 of 2017, registered under Sections 323, 324, 504, 506/34 of the Indian Penal Code and Section 3(i) (r) of the S.C./S.T. Act.

The occurrence of abuse and assault was allegedly committed by the appellant against the informant, when the informant had gone to PDS shop of the appellant to purchase commodity but the appellant supplied less ration.



Submission is that concocted allegation is there for alleged occurrence dated 08.01.2017 and F.I.R. was lodged on 19.01.2017 without making any complaint to the competent authority under the provision of Essential Commodities Act.

Considering the general and omnibus nature of allegation, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

